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OFFICE OF PETITIONS

In re-Application of	:	
Kevin John Ashton	:	
Application No. 09/937,263	:	DECISION ON PETITION
Filed: September 24, 2001	:	
Attorney Docket No. CM 2094	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 1, 2007, in the above the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply to the final Office action mailed August 18, 2005, which set a three (3) month shortened statutory period for reply. A response was filed on February 21, 2006, with an extension of time within the third month. By an Advisory Action mailed April 4, 2006, petitioner was informed that the reply of August 18, 2005, did not place the application in condition for allowance. The application became abandoned on February 19, 2006. A Notice of Abandonment was mailed on April 10, 2006.

The Notice of Appeal, filed August 1, 2007, has been entered and made of record. Accordingly, the two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The petition fee of \$1500.00 and fee for the Notice of Appeal in the amount of \$500.00 will be charged to deposit account 16-2480.

The application file is being forwarded to Technology Center 2100, GAU 2125 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, appearing to read "Kenya A. McLaughlin". The signature is fluid and cursive, with the first name "Kenya" being more prominent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions